



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Charles E. FARLEY <i>et al.</i>)	
)	Examiner: Fortuna, J.
Serial No. 09/694,789)	
)	Group Art Unit: 1731
Filed: October 24, 2000)	
)	Atty Dkt No.: 005242.87031
For: EMULSIFICATION OF ALKENYL)	
SUCCINIC ANHYDRIDE SIZE)	

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully apply for reconsideration under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b) of the patent term adjustment indicated on the notice of Determination of Patent Term Adjustment mailed June 12, 2003 ("Notice") in the above-captioned application.

The Notice set the term adjustment at 27 days. However, Applicants respectfully submit that such a determination is not correct and that the proper term adjustment is 63 days.

As indicated below, the first Office Action was mailed 63 days after the expiration of the 14 month time period for mailing a notice under 35 U.S.C. § 132 set forth in 35 U.S.C. § 154(b)(1)(A)(i)(I) and 37 C.F.R. § 1.702(a)(1).

The applicants did not engage in any actions that would require a reduction in the patent term adjustment under 37 C.F.R. §1.704. Accordingly, under 37 C.F.R. §§1.702(a)(1) and 1.703(a)(1) the period of adjustment should be the number of days between the first day after the expiration of the 14 month time period and the date on which the first Office Action was issued, which totals 63 days.

A statement of the facts is as follows:

The application was filed on October 24, 2000.

Fourteen months from the filing date of the application was December 24, 2001.

The first Office Action was mailed on February 25, 2002.

All Amendments/Responses by the applicants were filed within the three month time period set forth in 37 C.F.R. §1.704(b).

The above-captioned application is not subject to a terminal disclaimer.

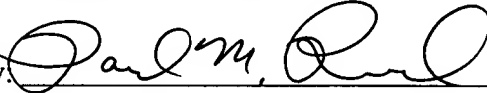
The above set forth facts clearly support Applicants' position that the proper term adjustment should be 63 days because (1) the number of days from December 24, 2001 to February 25, 2002 is 63 and (2) the Applicants did not engage in any conduct that could be considered a failure to engage in reasonable efforts to conclude examination as defined in 37 C.F.R. §1.704.

Applicants also submit herewith a Fee Transmittal authorizing the requisite fee under 37 C.F.R. § 1.18(e) (\$200) to be charged to our Deposit Account No. 19-0733. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 as appropriate.

Applicants respectfully submit that the correct Patent Term Adjustment should be 63 days. A Notice to this effect and a correction of the patent term adjustment are requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 

Paul M. Rivard

Registration No. 43,446

Date: August 13, 2003

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1600

Complete if Known

Application Number	09/694,789
Filing Date	October 24, 2000
First Named Inventor	Charles E. Farley et al.
Examiner Name	J. Fortuna
Art Unit	1731
Attorney Docket No.	005242.87031

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None Order

☒ Deposit Account:

Deposit Account Number 19-0733

Deposit Account Name Banner & Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES

Total Claims		**	=	0	X		=	0
Independent Claims		**	=	0	X		=	0
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	1300
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Patent Term Adjustment Fee

300

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 1600

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Paul M. Rivard	Registration No. Attorney/Agent)	43,446	Telephone	(202) 824-3100
Signature				Date	8/13/03

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Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231